

# **CAROL ANN MOSES #164193**

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Attorney for Defendant, ERIC DAVIS

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) CASE #6:05-mj-00034-WMW  
vs. Plaintiff, ) WAIVER OF DEFENDANT'S  
ERIC DAVIS ) PERSONAL APPEARANCE  
Defendant. )

TO THE ABOVE-ENTITLED COURT:

The Defendant ERIC DAVIS, having been advised of his right to be present at all stages of proceedings, including, but not limited to, presentation of and arguments on questions of fact and law, and to be confronted by and to cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause. Examples of hearings concerning which the defendant waives the right to be present include when the case is set for trial, when a continuance is ordered, when a motion to set aside an indictment is heard, during a plea or change of plea, during sentencing or any case disposition, when a motion for reduction of bail or for a personal recognizance release is heard.

The undersigned Defendant requests the Court to proceed during every absence of the Defendant that the Court may permit pursuant to this waiver, and hereby agrees that his interest is represented at all times by the presence of his attorney the same as if the Defendant were

1 personally present in court, and further agrees that notice to Defendant's attorney that  
2 Defendant's presence in court on a particular day at a particular time is required is notice to the  
3 Defendant of the requirement of Defendant's appearance at that time and place.

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5 Dated: July 26, 2005

By: /S/ Eric Davis  
6 ERIC DAVIS

7 Dated: July 29, 2005

8 By: /S/ Carol Ann Moses  
9 CAROL ANN MOSES  
10 Attorney for Defendant,  
ERIC DAVIS

11 IT IS SO ORDERED.

12 **Dated:** August 1, 2005  
mmkd34

13 /s/ William M. Wunderlich  
14 UNITED STATES MAGISTRATE JUDGE  
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